



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,054	10/27/2000	Charles P. Bobbitt	5053-36901/EBM	6717

7590 01/30/2004

Eric B Meyertons Esq
Conley Rose & Tayon P C
P O Box 398
Austin, TX 78767-0398

EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,054

Applicant(s)

BOBBITT ET AL.

Examiner

Marc R Filipczyk

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-212 is/are pending in the application.
- 4a) Of the above claim(s) 1-170 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 171-212 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2171

Response to Amendment

This action is responsive to Applicant's response filed on June 27, 2003 (paper #10).

Claims 1-170 have been cancelled and new claims 171-212 are presented for examination. The IDS filed on 6/24/03 has been noted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 171-212 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 171, 187 and 200, the phrase, "the performance" is indefinite. Second, the phrase, "the relative position" with respect to "entity node" and "root node" is indefinite. How is the relative position determined? Last, "entities" are indefinite. How do they differ from transactions?

Regarding claims 172-186, 188-199 and 201-212 depend from 171, 187 and 200, thus contain the deficiencies of those claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2171

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 171-212 are rejected as best as the Examiner is able to ascertain under 35 U.S.C.

102(e) as being anticipated by Kanai (U.S. Patent No. 5,864,679).

Regarding claims 171, 187 and 200, Kanai discloses a method, system and program for performing financial service organization (FSO) transactions (fig. 3 and abstract), comprising:

creating a report record file based on transactions (fig. 6, items 8-1 and 10, and fig. 8), the report records comprising a break key (fig. 10, *branch-id*);

(Note: record field branch-id is used to keep track of the location where the transactions are executed)

(Note 2: break key is a field of a record)

sorting the report records (fig. 7, item 4B); and

creating FSO entity reports (fig. 7, item 4A).

Regarding claims 172, 188 and 201, Kanai discloses a break key value is configured by a user of a FSO (fig. 10, TR-2-4).

Regarding claims 173, 175, 189 and 202 Kanai discloses at least one data element of the data is defined by a user of the FSO (fig. 10, TR-2-1).

Art Unit: 2171

Regarding claims 174, 190 and 203, Kanai discloses at least one data element of the data describes at least one processing parameter value (fig. 10, TR-2-3).

Regarding claims 176, 177, 191, 192, 204 and 205, Kanai discloses a sequence number of a data identifies order of appearance of a break key and a break level number (fig. 10, *Branch-ID*; sorting).

Regarding claim 178, Kanai discloses data comprises one database id and description (fig. 10, *transaction type* and *transaction argument*).

Regarding claims 179, 193 and 206 Kanai discloses data comprises one database id, the id identifies a FSO entity node (fig. 10, *transaction type* and *branch-id*).

Regarding claims 180, 194 and 207, Kanai discloses users executing a report program (fig. 10, *account-id*).

Regarding claims 181, 195 and 208, Kanai discloses a report format, page layout, and location of the data report page (fig. 79A).

Regarding claims 182, 186 and 209, Kanai discloses sorting comprises writing the sorted report records to a new report record file (fig. 7, default of sorting).

Art Unit: 2171

Regarding claim 183, Kanai discloses sorting the report records comprises writing the sorted report records to the report record file (fig. 7, default of sorting).

Regarding claims 184, 197 and 210, Kanai discloses creating a report record file further comprises:

- a) accessing transactions; (fig. 10)
 - b) transferring break key values and data elements; (fig. 10, *branch-id* and *account-id*)
 - c) creating a report record in report record file; (fig. 7, 4B)
 - d) accessing a next transaction; (fig. 7, 4C) and
- repeating steps a-d until a report record is created in the report record file (fig. 7, item 4).

Regarding claims 185, 198 and 211, Kanai discloses opening new accounts (fig. 8).

Regarding claims 186, 199 and 212, Kanai discloses formatting report records before sorting (fig. 2, *Application program* and *data management unit*, and fig. 7, 4B).

Response to Arguments

Applicant's arguments filed on June 27, 2003 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Art Unit: 2171

Applicant argues on page 18 of the 6/27/03 response that new claims 171, 187 and 200 now include certain features from allowable claims 11, 28, and 39 and submits that the newly submitted claims are allowable.

In response to Applicant's argument, Examiner disagrees. The new submitted claims would be allowable if the independent claims (claims 171, 187 and 200) incorporated all of the limitations of the base claim, and any intervening claims of the allowable claims 11, 28 and 39 as indicated by the Examiner in the first office action. Instead, the new submitted claims only contain partial indicated allowable subject matter. In addition, the new claims raise 35 USC § 112 second paragraph issues, as such, the claims are rejected accordingly.

Examiner notes that the reply filed on 6/27/03 is not fully responsive to the prior Office Action because of the omission(s) of explanation how the new submitted claims are novel over the prior art. See 37 CFR 1.111. Also, Applicant has failed to indicate that no new subject matter was added, however, for the benefit of the examination, the Examiner writes a responsive action. Appropriate corrections must be made.

With respect to all the pending claims 171-212, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner makes a final rejection.

Conclusion

Art Unit: 2171

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF
January 28, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100